

REMARKS

Claims 1-5, 7-11, 13-18, 20 and 21 are pending in the application.

Claims 1-5, 7-11, 13-18, 20 and 21 were rejected.

Claims 1, 7, 14 and 21 have been amended.

Claim 22 has been added.

Reconsideration and allowance of claims 1-5, 7-11, 13-18, 20 and 21 is respectfully requested in view of the following:

The Rejection of Claims 1, 2, 4 and 5 as being unpatentable over Villanueva et al in view of Hopfer et al and the rejection of claims 3, 7-11, 13-18, 20 and 21 over Villanueva et al in view of Hopfer et al and in further view of Ma:

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villanueva et al (U.S. 2005/0030718) ("Villanueva") in view of Hopfer et al (U.S. 5,761,036) ("Hopfer"). Claims 3, 7-11, 13-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villanueva in view of Hopfer and in further view of Ma (U.S. 6,791,847) ("Ma"). Applicants traverse these rejections on the grounds that these references are defective in establishing a *prima facie* case of obviousness.

Independent claims 1, 7, 14 and 21 include: ...a curved resilient load member with a first end connected to one of the connector portions and a second end connected to another one of the connector portions, whereby the connection of the second end deforms the curved load member into a substantially parallel engagement with the processor and applies a constant compressive force to the processor sufficient to mate the processor with the processor socket... the resilient load member having an opening formed therein permitting the processor to extend through the opening into contact with a/the heat sink, whereby a stress force resulting from the resilient load member applying the constant compressive force is not transferred to the processor socket.

As the PTO recognizes in MPEP §2142:

...The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness....the Examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made....The Examiner must put aside knowledge of the Applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole.'"

The combined references fail to teach or suggest the claimed combination as neither Villanueva nor Hopfer suggest a resilient load member that is operable to apply a constant compressive force to a processor sufficient to mate the processor with a processor socket without transferring a stress force from the resilient load member to the processor socket that is a result of applying that constant compressive force to the processor. Villanueva discloses “a processor retainer assembly that prevents inadvertent removal of a processor from a circuit board socket by forces exerted on an information handling system that are translated from a heat sink to the processor by the coupling of thermal grease between the heat sink and the processor” (Abstract, lines 1-5). Villanueva further discloses that the “processor retainer 12 reduces movement of the processor 28 caused by coupling of processor 28 to heat sink 34 with thermal grease. External shocks and vibrations acting on an information handling system that cause movement of heat sink 34 are thus less likely to lift processor 28 from socket 30.” (Paragraph [0022], lines 16-21). The Villanueva disclosure is concerned with preventing a failure resulting from the heat sink being bonded to the processor with a thermal grease such that the processor pins may be pulled from the processor socket when the system experiences a shock event that causes the heat sink to exert high forces on the processor. The processor retainer of Villanueva does not apply a constant compressive force to the processor sufficient to mate the processor with the processor socket, as the processor of Villanueva is not of the type that requires a constant compressive force in order to mate with its processor socket. Furthermore, Hopfer discloses an “IC package 12 (that) is retentively engaged within the socket body 14 with the use of a retention spring 16.” However, the retention spring 16 disclosed by Hopfer is pivotally coupled to the socket body 14 such that a compressive force applied to the IC package 12 by the retention spring 16 will result in a stress force being transferred from the retention spring 16 to the socket body 14 that can cause the socket body 14 to fail, which is the problem that the present disclosure is addressing. Ma discloses nothing to remedy these deficiencies. It would not have been obvious by one of skill in the art to combine Villanueva and Hopfer as Hopfer creates the problem that the present disclosure solves and Villanueva simply addresses preventing the removal of a processor from a socket and not failure of the socket due to the force needed to keep the processor mated with the socket. Therefore, independent claims 1, 7, 14 and 21 and claims dependent therefrom are submitted to be allowable for at least the reasons stated above.

Furthermore, there is simply no basis in the art for combining the references to support the 35 U.S.C. §103 rejections because none of the references teach or even suggest the

desirability of the combination. Moreover, none of the references provide any incentive or motivation in supporting the desirability of the combination.

The MPEP §2143.01 provides:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Hopfer provides no motivation in supporting the desirability of the combination as Hopfer creates the problem that the present disclosure solves. Villanueva provides no motivation in supporting the desirability of the combination as Villanueva simply addresses preventing the removal of a processor from a socket and not failure of the socket due to the force needed to keep the processor mated with the socket.

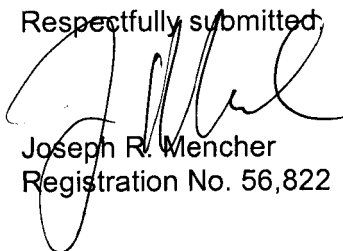
Therefore, the Examiner's combination arises solely from hindsight based on the invention without any showing of suggestion, incentive or motivation in either reference for the combination.

Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met.

Claim 22 has been added to claim additional elements disclosed in the disclosure.

In view of the above, it is respectfully submitted that Claims 1-22 are in condition for allowance. Accordingly, an early Notice of Allowance for the remaining claims is courteously solicited.

Respectfully submitted,



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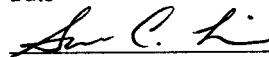
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